

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA**CIVIL CASE INFORMATION STATEMENT
(Civil Cases Other than Domestic Relations)**

I. CASE STYLE:	Case No. _____	
Plaintiff(s)	Judge: _____	
G. Isaac Spouaugle, III		
PO Box 578		
Franklin, WV 26807		
vs.		
Defendant(s)	Days to Answer	Type of Service
James Conley Justice, II	20	Persoual
Name		
1900 Kanawha Blvd. E, Room 1		
Street Address		
Charleston, WV 25305		
City, State, Zip Code		

II. TYPE OF CASE:

- | | |
|---|---|
| <input type="checkbox"/> General Civil | <input type="checkbox"/> Adoption |
| <input type="checkbox"/> Mass Litigation <i>[As defined in T.C.R. 26.04(a)]</i> | <input type="checkbox"/> Admininistrative Agency Appeal |
| <input type="checkbox"/> Asbestos | <input type="checkbox"/> Civil Appeal from Magistrate Court |
| <input type="checkbox"/> FELA Asbestos | <input type="checkbox"/> Miscellaneous Civil Petition |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Mental Hygiene |
| <input checked="" type="checkbox"/> Habeas Corpus/Other Extraordinary Writ | <input type="checkbox"/> Guardianship |
| <input type="checkbox"/> Other: _____ | <input type="checkbox"/> Medical Malpractice |

III. JURY DEMAND: Yes No CASE WILL BE READY FOR TRIAL BY (Month/Year): 05 / 2019

**IV. DO YOU OR ANY
OF YOUR CLIENTS
OR WITNESSES
IN THIS CASE
REQUIRE SPECIAL
ACCOMMODATIONS?**

Yes No

IF YES, PLEASE SPECIFY:

- | |
|--|
| <input type="checkbox"/> Wheelchair accessible hearing room and other facilites |
| <input type="checkbox"/> Reader or other auxiliary aid for the visually impaired |
| <input type="checkbox"/> Interpreter or other auxiliary aid for the deaf and hard of hearing |
| <input type="checkbox"/> Spokesperson or other auxiliary aid for the speech impaired |
| <input type="checkbox"/> Foreign language interpreter-specify language: _____ |
| <input type="checkbox"/> Other: _____ |

Attorney Name: G. Isaac Spouaugle, III

Firm: Sponaugle & Sponaugle

Address: PO Box 578, Franklin, WV 26807

Telephoue: (304) 358-2337

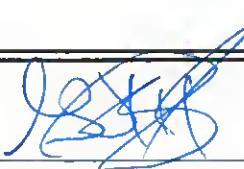
Representing:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Plaintiff | <input type="checkbox"/> Defendant |
| <input type="checkbox"/> Cross-Defendant | <input type="checkbox"/> Cross-Complainant |
| <input type="checkbox"/> 3rd-Party Plaintiff | <input type="checkbox"/> 3rd-Party Defeudaut |

Proceeding Without an Attorney

Original and 4 copies of complaint euclosed/attached.

Dated: 12 / 07 / 2018

Signature: 

Plaintiff: G. Isaac Sponangle, III, *et al* Case Number: _____
vs.

Defendant: James Conley Justice, II, *et al*

**CIVIL CASE INFORMATION STATEMENT
DEFENDANT(S) CONTINUATION PAGE**

WV Attorney General _____

Defendant's Name _____

1900 Kanawha Blvd. E, Room E-26 _____

Street Address _____

Days to Answer: N/A

Charleston, WV 25305 _____

City, State, Zip Code _____

Type of Service: Personal

Defendant's Name _____

Days to Answer: _____

Street Address _____

Type of Service: _____

City, State, Zip Code _____

Defendant's Name _____

Days to Answer: _____

Street Address _____

Type of Service: _____

City, State, Zip Code _____

Defendant's Name _____

Days to Answer: _____

Street Address _____

Type of Service: _____

City, State, Zip Code _____

Defendant's Name _____

Days to Answer: _____

Street Address _____

Type of Service: _____

City, State, Zip Code _____

Defendant's Name _____

Days to Answer: _____

Street Address _____

Type of Service: _____

City, State, Zip Code _____

Defendant's Name _____

Days to Answer: _____

Street Address _____

Type of Service: _____

City, State, Zip Code _____

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA, ex rel.,

G. ISAAC SPONAUGLE, III,
West Virginia citizen and taxpayer,
Petitioner,

v.

Civil Action Number: I8-P-_____
Judge: _____

JAMES CONLEY JUSTICE, II,
Governor of the State of West Virginia,
Respondent.

PETITION FOR WRIT OF MANDAMUS

COMES NOW Petitioner, G. Isaac Sponaugle, III, and for his Verified Petition for Writ of Mandamus, alleges and states the following:

- 1) That Petitioner on August 9, 2018, deposited with the United States Postal Service, two certified letters, postage prepaid, to West Virginia Governor Jim Justice and West Virginia Attorney General Patrick Morrisey, both addressed to their respective addresses, that provided a notice of intent to sue after 30 days pursuant to W. Va. Code § 55-17-1. Both of the aforesaid letters were received on August 13, 2018. Copies of the aforesaid letters and return service that were issued by the United States Postal Service are attached hereto and incorporated by reference.
- 2) That Petitioner is an adult citizen and taxpayer of Pendleton County, West Virginia.
- 3) That Respondent, James Conley Justice, II, is the 36th and current Governor of the State of West Virginia. He was elected on November 8, 2016. He took an oath or affirmation of office on January 16, 2017, at the West Virginia State Capitol, located in Kanawha County, West Virginia. He swore to support the constitution of the United States of America, the constitution of the State of West Virginia, and to faithfully discharge the duties of the office of Governor of the State of West Virginia to the best of his skill and judgment.

- 4) That the seat of West Virginia state government is in Charleston, Kanawha County, West Virginia, pursuant to Section 20 of Article VI of the West Virginia Constitution, which sets forth the following: "The seat of government shall be at Charleston, until otherwise provided by law."
- 5) That jurisdiction and venue are proper in the Circuit Court of Kanawha County for a Writ of Mandamus pursuant to W. Va. Code § 53-1-2.
- 6) That Section 1 of Article VII of the West Virginia Constitution sets forth the following: "7-1 Executive department. The executive department shall consist of a governor, secretary of state, auditor, treasurer, commissioner of agriculture and attorney general, who shall be ex officio reporter of the court of appeals. Their terms of office shall be four years, and shall commence on the first Monday after the second Wednesday of January next after their election. They shall reside at the seat of government during their terms of office, keep there the public records, books and papers pertaining to their respective offices, and shall perform such duties as may be prescribed by law."
- 7) That W. Va. Code § 6-5-4 sets forth the following: "§6-5-4. Residence of officers. The Governor, Secretary of State, state superintendent of free schools, Auditor, Treasurer, Attorney General and Commissioner of Agriculture, shall reside at the seat of government during their term of office, and keep there the public records, books and papers pertaining to their respective offices. Every judge of a circuit court shall, during his continuance in office, reside in the circuit for which he was chosen. Every county and district officer, except the prosecuting attorney, shall, during his continuance in office, reside in the county or district for which he was elected. And the removal by any such officer from the state, circuit, county or district for which he was elected or chosen shall vacate his office."

- 8) That both Section 1 of Article VII of the West Virginia Constitution and W. Va. Code § 6-5-4 contain mandatory nondiscretionary constitutional and statutory duties for the named members of the executive department.
- 9) That Respondent has not resided at the seat of government for more than 30 days from January 16, 2017 until the filing this Petition for Writ of Mandamus. This is despite housing afforded to him at the West Virginia Governor's Mansion located at 1716 Kanawha Blvd E, Charleston, West Virginia. Respondent by his own public admissions has not and continues to reside in Greenbrier County, West Virginia, in lieu of Charleston, West Virginia.
- 10) That Respondent works in Greenbrier County and keeps many of the public records, books and papers pertaining to his respective office there in lieu of Charleston, West Virginia.
- 11) That certain scandals, mismanagement of public monies, lack of communication among agencies and a decrease in general productivity of state government has occurred under Respondent's tenure as Governor.
- 12) That certain members of the West Virginia Legislature have publicly raised concerns about the habitual work absenteeism by Respondent causing certain scandals, mismanagement of public monies, lack of communication among agencies and a decrease in general productivity of state government.
- 13) That Respondent held multiple press conferences in response to certain members of the West Virginia Legislature and publicly declared that he would not make the seat of government his residency, would not show up to work every day at the seat of government, will continue to reside and work in Greenbrier County and only show up at the seat of government, Charleston, West Virginia, when it is convenient to him.

- 14) That Petitioner, as a citizen and taxpayer of the State of West Virginia, has a clear legal right in relief sought hereinbelow.
- 15) That Respondent is in violation of Section 1 of Article VII of the West Virginia Constitution and W. Va. Code § 6-5-4 for not performing his mandatory nondiscretionary constitutional and statutory duties.
- 16) That Petitioner is in absence of another adequate remedy other than a Writ of Mandamus being issued by this Court against Respondent.
- 17) That Petitioner has filed herewith a Memorandum in Support of Petition for Writ of Mandamus and hereby incorporates by reference every paragraph of it to this Petition, which is attached hereto and incorporated by reference.
- 18) That Petitioner requests that a writ of mandamus be issued henceforth that Respondent meet his nondiscretionary mandatory constitutional and statutory duties pursuant to Section 1 of Article VII of the West Virginia Constitution and W. Va. Code § 6-5-4 AND that he be ordered to reside at the seat of government during his term of office, and keep there the public records, books and papers pertaining to his respective office.

PRAYER FOR RELIEF

WHEREFORE, Petitioner requests that a writ of mandamus be issued henceforth that Respondent meet his nondiscretionary mandatory constitutional and statutory duties, pursuant to Section 1 of Article VII of the West Virginia Constitution and W. Va. Code § 6-5-4, and he be ordered to reside at the seat of government during his term of office, and keep there the public records, books and papers pertaining to his respective office; award costs and grant such other relief as the Court deems equitable.

Dated this 7th day of December 2018.

G. Isaae Sponaugle, III
Petitioner

SPONAUGLE & SPONAUGLE
ATTORNEYS AT LAW
P. O. BOX 578
FRANKLIN, WEST VIRGINIA 26807
(304) 358-2337
isaae@sponauglelaw.com



G. Isaae Sponaugle III
State Bar #9720
Petitioner

STATE OF WEST VIRGINIA

COUNTY OF PENDLETON, to-wit:

G. Isaae Sponaugle, III, Petitioner named in the foregoing Petition for Writ of Mandamus, being first duly sworn, say that the faets and allegations set forth therein are true and eorrect, except insofar as they are therein stated to be upon information and belief, and insofar as therein stated to be upon information and belief, they believe them to be true and eorrect.



G. Isaae Sponaugle, III

Taken, sworn to and subscribed before me, a Notary Public in and for the county and state aforesaid, this the 7th day of December 2018.

My commission expires March 1, 2024.



NOTARY PUBLIC

SPONAUGLE & SPONAUGLE
ATTORNEYS AT LAW

GEORGE I. SPONAUGLE (1917-1995)

GEORGE I. SPONAUGLE II

G. ISAAC SPONAUGLE III

**P. O. BOX 578
223 CHESTNUT STREET
FRANKLIN, WEST VIRGINIA 26807-0578**

Telephone: 304-358-2337
Telecopier: 304-358-2483

George I. Sponaugle II Email:
gsponaugle@sponauglelaw.com

G. Isaac Sponaugle III Email:
isaacsponaugle@sponauglelaw.com

August 9, 2018

Honorable Governor Jim Justice
Office of the Governor Jim Justice
1900 Kanawha Street
Charleston, WV 25305

RE: Notice of Intent to Sue after 30 Days, West Virginia Code §55-17-1, et seq. (2002)

The Honorable Governor Justice:

As you may be aware, I have filed a Petition for Writ of Mandamus in the Kanawha County Circuit Court to require James Conley Justice, II, Governor of the State of West Virginia, to meet his nondiscretionary mandatory constitutional duty, pursuant to Section 1 of Article VII of the West Virginia Constitution.

I do not believe that West Virginia Code §55-17-1, et seq. (2002), applies in the aforesaid action that is currently before the Kanawha County Circuit Court. Counsel for James Conley Justice, II, has filed a motion to dismiss asserting that West Virginia Code §55-17-1, et seq. (2002), applies to said action. This issue has yet to be ruled upon the Kanawha County Circuit Court and is currently pending.

If the Governor's motion to dismiss is granted for failure to provide a written thirty days' notice in advance of filing the aforesaid Petition for Writ of Mandamus action, then I will immediately refile the same with either the West Virginia Supreme Court of Appeals or the Kanawha County Circuit Court for the same relief requested in the aforesaid matter.

Letter of Intent to Sue after 30 Days

The purpose of this letter to provide you written notice of my intent to file a civil action, pursuant to the provisions of West Virginia Code §55-17-1, et seq. (2002), against James Conley Justice, II, Governor of the State of West Virginia, to meet his nondiscretionary mandatory constitutional duty, pursuant to Section 1 of Article VII of the West Virginia Constitution, and seek relief, by way of a Writ of Mandamus, that he be ordered to reside at

The Honorable Governor Justice

August 9, 2018

Page 2.

the seat of government during his term of office, and keep there the public records, books and papers pertaining to his respective office; award costs and grant such other relief as the Court deems equitable.

Sincerely,

A handwritten signature in black ink, appearing to read "G. Isaac Sponaugle III". The signature is fluid and cursive, with a large, stylized initial 'G' at the beginning.

G. Isaac Sponaugle III

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Honorable Governor Jim Justice
Office of the Governor Jim Justice
1900 Kanawha Street
Charleston WV 25305



9590 9402 2667 6336 4223 95

2. Article Number (*Transfer from service label*)

7013 1710 0000 3418 3809

COMPLETE THIS SECTION ON DELIVERY

A. Signature

Kushner

Agent

Address

B. Recipient by Name

C. Date of Deliv

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Domestic Mail
- Mail Restricted Delivery 500)
- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation
- Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Receipt

USPS Tracking®

[FAQs > \(https://www.usps.com/faqs/uspstracking-faqs.htm\)](#)

[Track Another Package +](#)

Tracking Number: 7013171000034183809

[Remove X](#)

On Time

Expected Delivery on

MONDAY

13 AUGUST
2018 i by
8:00pm i

Feedback

 **Delivered**

August 13, 2018 at 5:18 am

Delivered, To Agent

CHARLESTON, WV 25301

Tracking History



August 13, 2018, 5:18 am

Delivered, To Agent

CHARLESTON, WV 25301

Your item has been delivered to an agent at 5:18 am on August 13, 2018 in CHARLESTON, WV 25301.

August 13, 2018, 3:32 am

Arrived at Unit

SOUTH CHARLESTON, WV 25309

August 13, 2018, 2:04 am

Arrived at USPS Regional Facility
CHARLESTON WV PROCESSING CENTER

August 12, 2018, 9:51 pm

Departed USPS Regional Facility
CHARLESTON WV PROCESSING CENTER

August 12, 2018

In Transit to Next Facility

August 11, 2018, 3:53 am

Arrived at USPS Regional Facility
CHARLESTON WV PROCESSING CENTER

August 9, 2018, 10:38 pm

Arrived at USPS Regional Origin Facility
MERRIFIELD VA DISTRIBUTION CENTER

Feedback

August 9, 2018, 4:01 pm

Departed Post Office
FRANKLIN, WV 26807

August 9, 2018, 2:40 pm

USPS in possession of item
FRANKLIN, WV 26807

Product Information



See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Feedback

The easiest tracking number is the one you don't have to know.

With Informed Delivery®, you never have to type in another tracking number. Sign up to:

- See images* of incoming mail.
- Automatically track the packages you're expecting.
- Set up email and text alerts so you don't need to enter tracking numbers.
- Enter USPS Delivery Instructions™ for your mail carrier.

Sign Up

(https://reg.usps.com/entreg/RegistrationAction_input?

*NOTE: Black and white (grayscale) images show the outside, front of letter-sized envelopes and mailpieces that are processed through automated equipment.

SPONAUGLE & SPONAUGLE
ATTORNEYS AT LAW

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G. ISAAC SPONAUGLE III

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gsponaugle@sponauglelaw.com

G. Isaac Sponaugle III Email:
isaacsponaugle@sponauglelaw.com

August 9, 2018

Attorney General of the State of West Virginia
State Capitol, Room E-26
1900 Kanawha Blvd. East
Charleston, WV 25305

RE: Notice of Intent to Sue after 30 Days, West Virginia Code §55-17-1, et seq. (2002)

The Honorable Attorney General Morrisey:

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The Honorable General Morrisey

August 9, 2018

Page 2.

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Sincerely,

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G. Isaac Sponaugle III

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Attorney General of West Virginia
State Capitol, Room E-26
1900 Kanawha Blvd. East
Charleston, WV 25305



9590 9402 2667 6336 4224 01

2. Article Number (Transfer from service label)

7013 1710 0000 3418 3816

COMPLETE THIS SECTION ON DELIVERY

A. Signature

 Agent
 Address

B. Received by (Printed Name)

C. Date of Deliv

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Insured Mail Restricted Delivery (over \$500)

- Priority Mail Express®
- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation
- Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053

Domestic Return Recei

USPS Tracking®

[FAQs > \(https://www.usps.com/faqs/uspstracking-faqs.htm\)](#)

[Track Another Package +](#)

Tracking Number: 7013171000034183816

[Remove X](#)

On Time

Expected Delivery on

MONDAY

13 AUGUST
2018 i by
8:00pm i

[Feedback](#)

 **Delivered**

August 13, 2018 at 5:18 am

Delivered, To Agent

CHARLESTON, WV 25301

Tracking History



August 13, 2018, 5:18 am

Delivered, To Agent

CHARLESTON, WV 25301

Your item has been delivered to an agent at 5:18 am on August 13, 2018 in CHARLESTON, WV 25301.

August 13, 2018, 3:16 am

Arrived at Unit

SOUTH CHARLESTON, WV 25309

August 13, 2018, 2:04 am

Arrived at USPS Regional Facility
CHARLESTON WV PROCESSING CENTER

August 12, 2018, 9:51 pm

Departed USPS Regional Facility
CHARLESTON WV PROCESSING CENTER

August 12, 2018

In Transit to Next Facility

August 11, 2018, 3:53 am

Arrived at USPS Regional Facility
CHARLESTON WV PROCESSING CENTER

August 9, 2018, 10:38 pm

Arrived at USPS Regional Origin Facility
MERRIFIELD VA DISTRIBUTION CENTER

Feedback

August 9, 2018, 4:01 pm

Departed Post Office
FRANKLIN, WV 26807

August 9, 2018, 2:39 pm

USPS in possession of item
FRANKLIN, WV 26807

Product Information



See Less ^

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs (<https://www.usps.com/faqs/uspstracking-faqs.htm>)

Feedback

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- Automatically track the packages you're expecting.
- Set up email and text alerts so you don't need to enter tracking numbers.
- Enter USPS Delivery Instructions™ for your mail carrier.

Sign Up

(https://reg.usps.com/entreg/RegistrationAction_input?

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IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA, ex rel.,

G. ISAAC SPONAUGLE, III,
West Virginia citizen and taxpayer,
Petitioner,

v.

Civil Action Number: 18-P-_____
Judge: _____

JAMES CONLEY JUSTICE, II,
Governor of the State of West Virginia,
Respondent.

MEMORANDUM IN SUPPORT OF PETITION FOR WRIT OF MANDAMUS

SPONAUGLE & SPONAUGLE
ATTORNEYS AT LAW
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FRANKLIN, WEST VIRGINIA 26807
(304) 358-2337
isaac@sponauglelaw.com
G. Isaac Sponaugle III
State Bar #9720
Petitioner